

IV. AMENDMENTS TO THE DRAWINGS

- NO AMENDMENTS ARE PROVIDED

V. REMARKS/ARGUMENTS

- STATUS OF CLAIMS

Claims 26-39 are pending in the application. Claims 26-39 have been amended.

- CLAIM REJECTIONS

REJECTIONS UNDER 35 U.S.C. §101

- Examiner's Stance

The Examiner rejected claims 26-39 as directed to non-statutory subject matter.

- Applicants's Response

Applicant appreciates the Examiner's comments directed to the previous amendment with respect to Section 101. Applicant also appreciates the Examiner's comments directed to the Applicant's arguments with respect to Section 103 rejections. Amendments to the claims overcome the rejections under 35 U.S.C. §101. Claims Support for the amendments can be found throughout the specifications, including the abstract, and figures. Each of the elements of the claims are tied to a particular system and transform underlying subject matter. Claims 26-39 transform the underlying subject matter, intercepted digital data representing securities trading order and executions, to representations of financial allocations and actual payment of funds to third parties. Furthermore, said transformations are tied to a particular system dedicated to performing securities trading and step-out arrangements. Applicant, therefore, submits the systems, as directed in the present claims 26-39, satisfy the requirements under 35 U.S.C. §101, and respectfully request the rejections be withdrawn. Applicant further asserts that no new matter has been added.

REJECTIONS UNDER 35 U.S.C. §112

- Examiner's Stance

Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The final clause of claim 39 has two possible interpretations, and it is not clear if both are intended. The clause reads as follows: "notifying said research broker via an interface of said step-out payments over set period of time payable to said research broker without disclosure of said commission payment made to said executing broker." The first interpretation is that the research broker is not disclosed information about the commission which was paid to the executing broker.

The second interpretation is that the research broker is informed about its step-out payments, but the executing broker is not disclosed about the commission payment that was made to that executing broker. Although the clause immediately preceding reads, "notifying the executing broker via an interface of the availability of said commission payments over set period of time payable to said executing broker," it doesn't actually say the executing broker is informed about the commission payment, or that it is made, only that it is available. There is also some fuzziness in the clause immediately preceding both of these: "suggesting to a trader via an interface said commission payments and performing said commission payments automatically over said computer system." The confusion comes from the "suggesting" and the "performing ...automatically." At page 25 of the specification is this statement: "The suggested stepouts and step-ins are capable of being controlled by the trader." It is not clear how the trader can control payments which are automatically made. The next sentence in the specification is as follows: "The system therefore is capable of automating the process of paying the required commissions while providing the trader with the ultimate control." So

perhaps some payments are required and automatically paid while others are discretionary and only suggested. Suggestion may mean to mention or imply, to propose, to offer for consideration. This at least connotes a lack of automatic action, which creates tension within the claim that one of ordinary skill may not be able to resolve.

- *Applicant's Response*

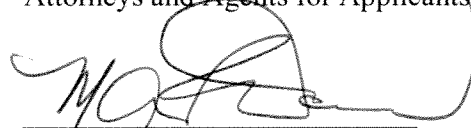
The Applicant appreciates the Examiner's comments with regard to claim 39. The claim has been amended to more clearly identify the subject matter. The notifying steps have been amended to clearly identify who is notified and of what. The suggesting and performing actions have been separated into separate claim elements to more clearly define the actions involved. Applicant, therefore, respectfully requests the rejection be withdrawn. Applicant further asserts that no new material has been added.

CONCLUSION TO REMARKS

Applicant asserts that this response is fully responsive to the Examiner's Office Action dated April 28, 2009. In view of the above, it is respectfully submitted that the subject matter of the pending claims is patentable over the references cited. Applicant respectfully seeks early allowance of the pending claims.

Respectfully Submitted,

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A handwritten signature in black ink, appearing to read 'MWachs', is written over a horizontal line.

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VI. APPENDIX

- APPENDIX:

No appendix is provided.